

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PUBLISHERS BUSINESS SERVICES,
INC., a corporation; ED DANTUMA
ENTERPRISES, INC., a corporation, also
dba PUBLISHERS DIRECT SERVICES
and PUBLISHERS BUSINESS SERVICES;
BRENDA DANTUMA SCHANG; DRIES
DANTUMA; DIRK DANTUMA; and
JEFFREY DANTUMA, individually and as
officers, directors, or managers of Publishers
Business Services, Inc., or Ed Dantuma
Enterprises, Inc.,

Defendants.

Case No. 2:08-cv-00620-APG-
GWF

[PROPOSED] STIPULATED
ORDER FOR MONETARY
JUDGMENT

Plaintiff Federal Trade Commission (“Commission” or “FTC”), filed its
“Complaint for Injunctive and Other Equitable Relief” (dkt. 1-1) on May 14, 2008,
and an “Amended Complaint for Injunctive and Other Equitable Relief” (dkt. 62;
as amended, “Complaint”) on February 5, 2009, pursuant to Sections 13(b) and 19
of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b.

On April 7, 2010, following cross-motions for summary judgment, the Court
issued a permanent injunction, which remains in full force and effect, against
Publishers Business Services, Inc., Ed Dantuma Enterprises, Inc., dba Publishers
Direct Services and Publishers Business Services, Persis Dantuma, Edward
Dantuma, Brenda Dantuma Schang, Dries Dantuma, Dirk Dantuma, and Jeffrey

1 Dantuma (dkt. 152), and ordered an evidentiary hearing to resolve the monetary
2 claims (dkt. 151).

3 An evidentiary hearing on the monetary claims was held in March and June
4 2011, and on July 25, 2011, the Court issued an “Order re Equitable Damages”
5 directing Publishers Business Services, Ed Dantuma Enterprises, Edward
6 Dantuma, and Dries Dantuma pay the FTC the sum of \$191,211 (dkt. 248). The
7 \$191,211 sum was paid. However, the FTC appealed in 2011, which resulted in a
8 remand from the Ninth Circuit. On remand the District Court, on February 1, 2017,
9 awarded the FTC the sum of \$23,773,147.78 as monetary equitable relief against
10 defendants Publishers Business Services, Inc., Ed Dantuma Enterprises, Inc.,
11 Edward Dantuma, Dries Dantuma, Brenda Dantuma Schang, Dirk Dantuma, and
12 Jeffrey Dantuma; found Persis Dantuma not liable for monetary relief (dkt. 322),
13 and entered Judgment in this case (dkt. 323). Defendants appealed the Judgment.
14 In 2018, the Ninth Circuit affirmed the Judgment, and in 2019, Defendants filed a
15 petition to the Supreme Court for writ of certiorari.

16 On April 22, 2021, the Supreme Court issued its decision in *AMG Capital*
17 *Management, LLC v. FTC*, 593 U.S. ___, 141 S. Ct. 1341 (2021), holding that
18 Section “13(b)’s ‘permanent injunction’ language does not authorize the [FTC]
19 directly to obtain court-ordered monetary relief.” *Id.* at 1347. On May 3, 2021, the
20 Supreme Court granted PBS’s petition for *certiorari*, vacated the Judgment in this
21 case, and remanded the case to the Ninth Circuit Court of Appeals for further
22 consideration in light of *AMG Capital Management v. FTC*.

23 On June 10, 2021, the Ninth Circuit issued a Memorandum Disposition
24 affirming this Court’s order of permanent injunction, vacating this Court’s order of
25 equitable monetary relief under Section 13(b), and remanded for further
26 proceedings to determine whether any other relief is warranted (dkt. 341). On
27 August 5, 2021, this Court issued its “Order on Mandate” directing the parties to
28 “confer about a Stipulated Judgment resolving this case” (dkt.344).

1 **DEFINITIONS**

2 For the purpose of this Order, the following definitions apply:

3 A. **“Defendants”** means all of the Individual Defendants and Corporate
4 Defendants, individually, collectively, or in any combination.

5 B. **“Corporate Defendants”** means Publishers Business Services, Inc.,
6 and Ed Dantuma Enterprises, Inc., also dba “Publishers Direct Services” and
7 “Publishers Business Services,” and their successors and assigns.

8 C. **“Individual Defendants”** means Brenda Dantuma Schang, Dries
9 Dantuma, Dirk Dantuma, and Jeffrey Dantuma.

10 **ORDER**

11 **I. MONETARY JUDGMENT AND SUSPENSION**

12 IT IS ORDERED that:

13 A. Judgment in the amount of **Fourteen Million Four Hundred**
14 **Seventy-Four Thousand Eight Hundred Seventy-Eight Dollars (\$14,474,878)**
15 is entered in favor of the Commission against Defendant Publishers Business
16 Services, Inc., Ed Dantuma Enterprises, Inc., Brenda Dantuma Schang, Dries
17 Dantuma, Dirk Dantuma, and Jeffrey Dantuma, jointly and severally as monetary
18 relief.

19 B. The One Hundred Ninety-One Thousand Two Hundred Nineteen
20 Dollars (\$191,219) that Defendants paid to the Commission pursuant to the Court’s
21 July 25, 2011 Order Re Equitable Damages (dkt. 248) is deemed paid toward the
22 judgment, and the remainder of the judgment is suspended, subject to the
23 Subsections below. The Commission’s agreement to the suspension of part of the
24 Judgment is expressly premised upon the truthfulness, accuracy, and completeness
25 of the Defendants’ sworn financial statements and related documents (collectively,
26 “financial representations”) submitted to the Commission, namely:

27 1. the Financial Statement of Individual Defendant Brenda
28 Dantuma Schang, signed on September 8, 2021;

2. the Financial Statement of Individual Defendant Dries Dantuma, signed on September 8, 2021;

3. the Financial Statement of Individual Defendant Dirk Dantuma, signed on September 12, 2021;

4. the Financial Statement of Individual Defendant Jeffrey Dantuma, signed on September 8, 2021;

5. the Articles of Dissolution of Corporate Defendant Publishers Business Services, Inc., filed on December 12, 2011 with the Florida Secretary of State; and

6. the Financial Statement of Corporate Defendant Ed Dantuma Enterprises, Inc., signed by Dirk Dantuma, Director, on September 30, 2021.

C. The suspension of the Judgment will be lifted as to any Defendant if, upon motion by the Commission, the Court finds that Defendant failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in the financial representations identified above.

D. If the suspension of the judgment is lifted, the judgment becomes immediately due as to that Defendant in the amount specified in Subsection A., above (which the parties stipulate only for purposes of this Section represents the consumer injury alleged in the Complaint), less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

E. Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

F. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission, including in a proceeding to enforce its rights to any payment or monetary

1 judgment pursuant to this Order, such as a nondischargeability complaint in any
2 bankruptcy case.

3 G. The facts alleged in the Complaint establish all elements necessary to
4 sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the
5 Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral
6 estoppel effect for such purposes.

7 H. Defendants acknowledge that their Taxpayer Identification Numbers
8 (Social Security Numbers or Employer Identification Numbers), which Defendants
9 previously submitted to the Commission, may be used for collecting and reporting
10 on any delinquent amount arising out of this Order, in accordance with 31 U.S.C.
11 §7701.

12 I. All money received by the Commission pursuant to this Order may
13 be deposited into a fund administered by the Commission or its designee to be used
14 for consumer relief, such as redress and any attendant expenses for the
15 administration of any redress fund. If a representative of the Commission decides
16 that direct redress to consumers is wholly or partially impracticable or money
17 remains after such redress is completed, the Commission may apply any remaining
18 money for such related relief (including consumer information remedies) as it
19 determines to be reasonably related to Defendants' practices alleged in the
20 Complaint. Any money not used for relief is to be deposited to the U.S. Treasury.
21 Defendants have no right to challenge any actions the Commission or its
22 representatives may take pursuant to this Subsection.

23 **II. COMPLIANCE MONITORING**

24 IT IS FURTHER ORDERED that, for the purpose of monitoring
25 Defendants' compliance with this Order, including the financial representations
26 upon which part of the Judgment was suspended:

27 A. Within 14 days of receipt of a written request from a representative
28 of the Commission, each Defendant must: submit additional compliance reports or

1 other requested information, which must be sworn under penalty of perjury; appear
2 for depositions; and produce documents for inspection and copying. The
3 Commission is also authorized to obtain discovery, without further leave of court,
4 using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30
5 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

6 B. For matters concerning this Order, the Commission is authorized to
7 communicate directly with each Defendant. Defendants must permit
8 representatives of the Commission to interview any employee or other person
9 affiliated with any Defendant who has agreed to such an interview. The person
10 interviewed may have counsel present.

11 C. The Commission may use all other lawful means, including posing,
12 through its representatives as consumers, suppliers, or other individuals or entities,
13 to Defendants or any individual or entity affiliated with Defendants, without the
14 necessity of identification or prior notice. Nothing in this Order limits the
15 Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of
16 the FTC Act, 15 U.S.C. §§ 49, 57b-1.

17 D. Upon written request from a representative of the Commission, any
18 consumer reporting agency must furnish consumer reports concerning Individual
19 Defendants, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.
20 §1681b(a)(1).

21 **III. RETENTION OF JURISDICTION**

22 IT IS FURTHER ORDERED that this Court retains jurisdiction of this
23 matter for purposes of construction, modification, and enforcement of this Order.

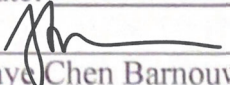
24
25 **SO ORDERED this ____ day of ____, 2022.**

26
27 **HONORABLE ANDREW P. GORDON**
28 **UNITED STATES DISTRICT JUDGE**

SO STIPULATED AND AGREED:

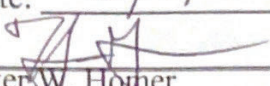
For Plaintiff:

Date: May 24, 2022


Faye Chen Barnouw
Maricela Segura
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For Defendants Publishers Business Services, Inc., Ed Dantuma Enterprises, Inc., Brenda Dantuma Schang, Dries Dantuma, Dirk Dantuma, and Jeffrey Dantuma:

Date: 3/8/22


Peter W. Homer
Howard Goldfarb
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hgoldfarb@homerbonner.com
Attorneys for Defendants

Date: _____

Dirk Dantuma, Individually, as a
Director of Ed Dantuma Enterprises,
Inc., and on behalf of Publishers
Business Services, Inc.

Date: _____

Brenda Dantuma Schang, Individually
and as a Director of Ed Dantuma
Enterprises, Inc.

Date: _____

Dries Dantuma, Individually and as a
Director of Ed Dantuma Enterprises, Inc.

Date: _____

Jeffrey Dantuma, Individually and as a
Director of Ed Dantuma Enterprises, Inc.

1 **SO STIPULATED AND AGREED:**

2 **For Plaintiff:**

3 Date: _____

4 _____
5 Faye Chen Barnouw
6 Maricela Segura
7 FEDERAL TRADE COMMISSION
8 10990 Wilshire Blvd., Suite 400
9 Los Angeles, CA 90024
10 Tel: (310) 824-4300
11 Fax: (310) 824-4380
12 fbarnouw@ftc.gov
13 msegura@ftc.gov

**For Defendants Publishers Business
Services, Inc., Ed Dantuma Enterprises,
Inc., Brenda Dantuma Schang, Dries
Dantuma, Dirk Dantuma, and Jeffrey
Dantuma:**

Date: _____

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hgoldfarb@homerbonner.com
Attorneys for Defendants

14 Date: 7 MAR 2022


15 Dirk Dantuma, Individually, as a
16 Director of Ed Dantuma Enterprises,
17 Inc., and on behalf of Publishers
18 Business Services, Inc.

19 Date: _____

20 Brenda Dantuma Schang, Individually
21 and as a Director of Ed Dantuma
22 Enterprises, Inc.

23 Date: _____

24 Dries Dantuma, Individually and as a
25 Director of Ed Dantuma Enterprises, Inc.

26 Date: _____

27 Jeffrey Dantuma, Individually and as a
28 Director of Ed Dantuma Enterprises, Inc.

SO STIPULATED AND AGREED:

For Plaintiff:

Date: _____

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Attorneys for Defendants

Date: _____

Dirk Dantuma, Individually, as a
Director of Ed Dantuma Enterprises,
Inc., and on behalf of Publishers
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Date: 3/7/22

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Date: _____

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Director of Ed Dantuma Enterprises, Inc.

Date: _____

Jeffrey Dantuma, Individually and as a
Director of Ed Dantuma Enterprises, Inc.

SO STIPULATED AND AGREED:

For Plaintiff:

Date: _____

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Enterprises, Inc.

Date: 3/7/22

← _____
~~Dries Dantuma, Individually and as a
Director of Ed Dantuma Enterprises, Inc.~~

Date: _____

Jeffrey Dantuma, Individually and as a
Director of Ed Dantuma Enterprises, Inc.

SO STIPULATED AND AGREED:

For Plaintiff:

Date: _____

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